



सरकारी गजट, उत्तराखण्ड

उत्तराखण्ड सरकार द्वारा प्रकाशित

रुड़की

खण्ड—11] रुड़की, शनिवार, दिनांक 13 नवम्बर, 2010 ई० (कार्तिक 22, 1932 शक सम्वत्)

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भाग 1

विज्ञप्ति—अवकाश, नियुक्ति, स्थान—नियुक्ति, स्थानान्तरण, अधिकार और दूसरे वैयक्तिक नोटिस

न्याय अनुभाग—1

अधिसूचना

नियुक्ति

दिनांक 16 जून, 2010 ई०

संख्या 09 नो०(एल०)/XXXVI(1)/2010-05नो०(एल०)/2004—राज्यपाल, नोटरी अधिनियम, 1952 (अधिनियम संख्या—53, सन् 1952) की धारा 3 के अधीन शक्ति का प्रयोग करके, श्री राजीव मोहन बिरखानी, अधिवक्ता को दिनांक 16-6-2010 से पांच वर्ष की अवधि के लिये जिला नैनीताल की तहसील लालकुआ के लिये नोटरी नियुक्त करते हैं और नोटरीज रूल्स, 1956 के नियम 8 के उपनियम (4) के अधीन शक्ति का प्रयोग करके यह भी निदेश देते हैं कि श्री राजीव मोहन बिरखानी, अधिवक्ता का नाम उक्त अधिनियम की धारा 4 के अधीन रखे गये नोटरी पंजिका में प्रविष्ट किया जाय।

आज्ञा से,

श्रीमती इन्दिरा आशीष,
प्रमुख सचिव न्याय एवं विधि परामर्शी।

In pursuance of the provisions of Clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of notification no. 09 no(L)/XXXVI(1)/2010-05 no(L)/2004, dated June 16, 2010 for general information :

NOTIFICATION

APPOINTMENT

June 16, 2010

No. 09 no(L)/XXXVI(1)/2010-05 no(L)/2004—In exercise of the powers given under section 3 of the Notaries Act, 1952 (Act No. 53 of 1952), the Governor is pleased to appoint Sri Rajeev Mohan Birkhani, Advocate as Notary for a period of five years with effect from 16.6.2010 for Tehsil Lalkuan, District Nainital and in exercise of the powers given under sub-rule (4) of Rule 8 of Notaries Rules, 1956 also directs that the name of Sri Rajeev Mohan Birkhani be entered in the Register of Notaries maintained under Section 4 of the said Act.

By Order,

SMT. INDIRA ASHISH,
Principal Secretary Law-cum-L.R.



सरकारी गजट, उत्तराखण्ड

उत्तराखण्ड सरकार द्वारा प्रकाशित

रुड़की, शनिवार, दिनांक 13 नवम्बर, 2010 ई० (कार्तिक 22, 1932 शक सम्वत)

भाग १-क

नियम, कार्य-विधियाँ, आज्ञाएँ, विज्ञप्तियाँ इत्यादि जिनको उत्तराखण्ड के राज्यपाल महोदय, विभिन्न विभागों के अध्यक्ष तथा राजस्व परिषद् ने जारी किया

UTTARAKHAND ELECTRICITY REGULATORY COMMISSION DEHRADUN

Notification No. F-9(5)/RG/UERC/2010/ 1393

Dated: 28th October 2010

UERC (Terms and Conditions of Intra-State Open Access) Regulations, 2010

Statement of Objects and Reasons

The Electricity Act, 2003 (The Act) was enacted on 10th June 2003 with open access in transmission and distribution as one of its distinguishing features from the earlier legislation. Sub-section (2) of section 42 cast a responsibility on the State Commission to introduce open in distribution in such phases and subject to such conditions that the Commission may specify for consumers receiving supply from a person other than the distribution licensee of his area of supply. Accordingly, the Commission had issued UERC (Open Access in Distribution) Regulations, 2004, which provided terms and conditions for a consumer seeking open access in distribution from the incumbent distribution licensee for getting supply from another person. These regulations provided for determination of charges payable by open access customer under the Act viz., transmission and wheeling charges, cross subsidy surcharge etc., were to be determined on case to case basis. However, the State did not witness even a single case of open access taken by consumers owing primarily to more reliable power supply and lower tariffs in the State as compared to neighboring states.

While open access in transmission was permitted from the outset, no need for issuing regulations with regard to its procedure or conditions and responsibilities of stakeholders was felt till open access in transmission was sought by certain generators in the recent past for sale of power outside the State.

Due to rapid load growth without commensurate capacity addition, State started witnessing acute power shortage resulting in major power cuts. Few industrial consumers approached Commission for permission for arranging power from other sources under open access. Informal discussion with stake holders transpired that open access seekers wanted supply to be taken from other sources only during hours of roistering. Some of them also wanted that they should be allowed to have open access during any time of the day to get cheaper power from other sources. However, none of them has shown interest in breaking the knot with distribution licensee in totality for supply of power as probably it is still the most reliable and cheapest supplier of power.

In view of the above facts, the Commission issued draft Regulations on Terms and Conditions of Intra-State Open Access in July 2010 inter-alia providing for open access by the generators/other stakeholder in transmission system and consumers of distribution licensee during the period of load shedding in transmission/distribution system. The comments from stakeholders were invited till 2nd August 2010. However, the comments on this issue kept pouring in till end of September 2010. The Commission has considered all these comments while finalizing the draft Regulations.

In the above background, the Commission has finalized the present Regulations. The main features of these Regulations are:

- (i) Two types of open access seekers have defined in these regulations viz., Open Access Customers and Open Access Consumers. Provisions which are applicable to all have been referred as "Open Access Customers" and provisions which are applicable only to consumers have been referred as "Open Access Consumers".
- (ii) Open access has been permitted to any consumer connected to distribution system of licensee at 11 kV or above.
- (iii) Open Access has been divided in three categories viz., short term open access ranging from part of the day to one month, medium term open access ranging from 3 months to 3 years and long term open access ranging from 12 years to 25 years.
- (iv) A sub-category "limited period open access" covering provisions for open access during scheduled roistering have introduced in these regulations. Since these consumers would be paying monthly demand charges and would be seeking open access only during the period when distribution licensee is not in position to supply power to them, transmission and wheeling charges, cross subsidy and additional surcharge have been waived off for these consumers.
- (v) On demand from stake holders, a sub-category "embedded consumers" have been added. Open Access Consumers who would not tear their relationship with distribution licensee and would continue to pay monthly demand charges and other charges as per relevant rate schedule of tariff order have been defined as "Embedded Consumers". Since these consumers would continue to pay monthly demand charges, such demand charges would be adjusted against wheeling charges payable by such consumers.
- (vi) Requirement of Special Energy Meters has also been relaxed for embedded consumers and limited open access consumers and energy accounting for these consumers would be done through existing ToD meters. These consumers shall also not be subjected to UI charges.

- (vii) According to definition for distribution system provided in the Act all consumers, irrespective of inter-connecting voltage, are connected to distribution system. As per section 46 of the Act distribution licensee is authorised to recover any expense reasonably incurred in providing any electric line or plant used for the purpose of giving such supply. These provisions read with section 54 of the Act and Rule 58 of Indian Electricity Rule, 1956 make it amply clear that any line including independent feeder at EHV is a distribution system belonging to distribution licensee and every consumer is liable to pay wheeling charges for getting open access.
- (viii) In order to develop confidence of stake holders, method to determine all charges payable under the Act including transmission and wheeling charges, cross subsidy and additional surcharge has been defined. These charges would be per determined yearly and would be specified in the tariff order.
- (ix) All open access customers would have to bear average transmission losses as specified in the tariff order. All open access consumers have to bear average distribution losses as determined by commission for various voltage levels in its tariff order for the applicable year.

In exercise of the powers conferred by section 181, read with sections 39, 40, 42 and 86 of the Electricity Act, 2003 (36 of 2003), and all other powers enabling it in this behalf, the Uttarakhand Electricity Regulatory Commission hereby proposes to make the following Regulations, namely:-

CHAPTER 1

PRELIMINARY

1. Short Title , Extent and Commencement :

- (1) These regulations may be called the Uttarakhand Electricity Regulatory Commission (Terms and Conditions of Intra-State Open Access) Regulations, 2010.
- (2) These regulations shall come into force from the date of publication in the Government Gazette.

2. Scope :

These regulations shall apply to open access for use of intra-State transmission system and distribution systems in the State, including when such system is used in conjunction with inter-State transmission system.

3. Definitions :

In these regulations, unless the context otherwise requires:

- (1) "Act" means the Electricity Act, 2003 (36 of 2003);
- (2) "Allotted Capacity" means the power transfer in MW between the specified point(s) of injection and point(s) of drawal allowed to a long-term/medium-term customer on the intra-State transmission system and the expression "allotment of capacity" shall be construed accordingly;
- (3) "Applicant" means a consumer, trader, distribution licensee or a Generating station who has applied seeking connectivity or open access as the case may be;
- (4) "Central Commission" means the Central Electricity Regulatory Commission referred to in Section 76 of the Act;

- (5) "Commission" means the Uttarakhand Electricity Regulatory Commission referred to in Section 82 of the Act;
- (6) The word 'consumer' shall carry the same meaning as in the Act, but shall be restricted to such consumers within the State of Uttarakhand to whom these regulations will apply;
- (7) "Contracted load" means the load in kW/HP/kVA (kilo Watt/Horse Power/kilo Volt Ampere) which the distribution licensee has agreed to supply from time to time subject to the governing terms and conditions and is different from the connected load;
- (8) "Day" means a day starting at 00.00 hours and ending at 24.00 hours;
- (9) "Distribution licensee" means any person licensed under Part IV of the Act for distribution and retail supply of electricity in the State of Uttarakhand;
- (10) "Distributions System" means a system or wires and associate facilities between delivery points on the transmission lines or generating station connection and the point of connection to the installation of the consumers;
 Explanation: As per definition of Distribution System given in section 2(19) read with section 46 and 54 of the Act along with rule 58 of Indian Electricity Rules 1956, any line or feeder connecting installation of consumer with delivery point on transmission lines and, irrespective of voltage and who has borne the cost of such line, falls within ambit of distribution system owned by distribution licensee;
- (11) "Embedded open access consumer (or in short embedded consumer)" means consumer who has a supply agreement with the distribution licensee in whose area of supply the consumer is located and avails the option of drawing part or full of its demand from any other person under open access, in any one or more time slots during a day or more in any month or more during the year, without ceasing to be a consumer of the said distribution licensee and continues to pay monthly demand charges and other charges as per rate schedule applicable to relevant category;
- (12) "IEGC" means Indian Electricity Grid Code Specified by Central Electricity Regulatory Commission under clause (h) of sub-section (1) of section 79 of the Act, and as amended from time to time;
- (13) "Limited short-term open access consumer" means consumer who has a supply agreement with the distribution licensee in whose area of supply the consumer is located and avails open access in distribution and/or transmission system only during pre-scheduled load shedding due to shortage of power;
- (14) "Long-term access" means the right to use the intra-State transmission system or distribution system for a period exceeding 12 years but not exceeding 25 years.
- (15) "Medium-term open access" means the open access for a period exceeding three months but not exceeding three years;
- (16) "Month" means a calendar month as per the Gregorian calendar;
- (17) "Nodal agency" means the nodal agency defined in Regulation 13(2) of these regulations;

- (18) "Open access" means the non-discriminatory provision for the use of transmission lines or distribution system or associated facilities with such lines or system by any licensee or consumer or a generating station in accordance with these regulations and includes long-term access, medium-term open access and short-term open access;
- (19) "Open access customer (in short customer)" means a consumer, trader, distribution licensee or a generating station who has been granted open access under these regulations;
- (20) "Open access consumer" means a consumer, who has been granted open access under these regulations;
- (21) "Reserved Capacity" means the power transfer in MW between the specified point(s) of injection and point(s) of drawal allowed to a short-term customer on the transmission/ distribution system depending on availability of transmission/ distribution capacity and the expression "reservation of capacity" shall be construed accordingly;
- (22) "Short-term open access" means open access for a period up to one month at a time;
- (23) "SLDC" means the State Load Dispatch Centre established under subsection (1) of section 31 of the Act;
- (24) "State" means of State of Uttarakhand;
- (25) "State Grid Code" means the State Grid Code specified by the Commission under clause (h) of sub-section (1) of section 86 of the Act, applicable on the date of commencement of these regulations and as amended from time to time;
- (26) "State Transmission Utility (STU)" means the State Electricity Board or the Government Company notified by the State Government under sub-section (1) of section 39 of the Act;
- (27) "Transmission licensee" means any person licensed under Part IV of the Act for transmission of electricity in the State of Uttarakhand;
- (28) "Transmission System Segment" means a part or whole of the transmission system from the point of injection to the point of drawal;
- (29) "Wheeling" means the operation whereby the distribution system and associated facilities of a transmission Licensee or distribution Licensee, as the case may be, are used by another person for the conveyance of electricity on payment of charges to be determined under section 62 of the Electricity Act, 2003;
- (30) All words and expressions used and not defined in these regulations but defined in the Act or IEGC or the State Grid Code, Distribution code shall have the meaning assigned to them under the Act or the IEGC or the State Grid Code, Distribution Code as the case may be;
- (31) The General Clauses Act, 1897(10 of 1897), as amended from time to time shall apply for the interpretation of these regulations as it applies for interpretation of an Act of Parliament.

CHAPTER 2

CONNECTIVITY

4. Connectivity :

- (1) A Consumer having load of 10 MW and above or a Generating Station having capacity of 10 MW and above shall be eligible to obtain connectivity at 132 kV or above, unless already connected, and shall apply for connectivity, in accordance with the provisions in this chapter.
- (2) A Consumer having load of less than 10 MW or a Generating Station having installed capacity not exceeding 10 MW shall be eligible to obtain connectivity at 66 kV or below, unless already connected, and shall apply for connectivity as per the provisions of these regulations, , in accordance with the provisions in this chapter.

5. Application procedure for Connectivity at 132 kV or above :

- (1) Applicant shall apply to the STU for connectivity in the Form prescribed in the detailed procedure to be laid down by the STU.
- (2) The Application shall be accompanied by a non-refundable fee of **Rs. Two lakh** through demand draft in favour of Power Transmission Corporation of Uttarakhand (PTCUL) payable at Dehradun.
- (3) The Application for connectivity shall contain details such as, proposed geographical location of the applicant, quantum of power to be interchanged that is the quantum of power to be injected in the case of a generating station including a captive generating plant and quantum of power to be drawn in the case of consumer, with the intra-State transmission system and such other details as may be laid down by the State Transmission Utility in the detailed procedure:

Provided that in cases where once an application has been filed and thereafter there has been any material change in the location of the applicant or change, by more than 10 percent in the quantum of power to be interchanged with the intra-State transmission system, the applicant shall make a fresh application, which shall be considered in accordance with these regulations.

6. Processing of Application and Grant of connectivity to STU/transmission licensee :

- (1) On receipt of the application, the STU shall, in consultation and through coordination with other agencies involved in the intra-State transmission, process the application and carry out the necessary interconnection study as specified in the Central Electricity Authority (Technical Standards for Connectivity to the Grid) Regulations, 2007.
- (2) The State Transmission Utility shall, within thirty (30) days, from the receipt of an application under sub-regulation (1) above and after considering all suggestions and comments received from other agencies involved in the intra-State transmission including State Load Despatch Centre:
 - (a) Accept the application with such modification or such conditions as may be specified by them;
 - (b) Reject the application for reasons to be recorded in writing if such application is not in accordance with the provisions of these Regulations.

- (3) In case of acceptance of an application as per clause (a) of sub-regulation (2) above, the State Transmission Utility shall make a formal offer to the applicant:

'Provided that the State Transmission Utility shall forward a copy of the offer to the appropriate intra-State transmission Licensee in case connectivity is granted to the intra-State transmission system of an intra-State transmission licensee other than the State Transmission Utility.

- (4) The voltage level at which the Applicant is offered to be connected to the intra-State transmission system shall be governed by Central Electricity Authority (Technical Standards for Connectivity to the Grid) Regulations, 2007 and prevailing guidelines adopted by the State Transmission Utility.
- (5) The State Transmission Utility shall, upon compliance of the required conditions by the applicant and intra-State transmission licensees including the State Transmission Utility, shall notify the concerned applicant that it can be connected to the intra-State transmission system.
- (6) The Applicant shall sign a connection agreement with the State Transmission Utility or intra-State transmission licensee owning the sub-station or pooling station or switchyard or the transmission line as identified by the STU where connectivity is being granted:

Provided that in case connectivity of a generating station, including captive generating plant or consumer is granted connectivity to the intra-State transmission system of an intra-State transmission licensee other than the State Transmission Utility, a tripartite agreement as provided in the Central Electricity Authority (Technical Standards for Connectivity to the Grid) Regulations, 2007 shall be signed between the applicant, the State Transmission Utility and such intra-State transmission licensee:

Provided further the State Load Despatch Centre shall also be provided with a copy of the above mentioned Connection Agreement by the STU/ intra-State transmission Licensee.

- (7) While granting connectivity, the STU shall specify the name of the sub-station or pooling station or switchyard where connectivity is to be granted. In case connectivity is to be granted by looping-in and looping-out of an existing or proposed line, the STU shall specify the point of connection and name of the line at which connectivity is to be granted. The STU shall indicate the broad design features of the dedicated transmission line and the timeframe for completion of the dedicated transmission line.
- (8) The applicant and all intra-State transmission licensees including the State Transmission Utility shall comply with the provisions of Central Electricity Authority (Technical Standards for Connectivity to the Grid) Regulations, 2007. The grant of connectivity shall not entitle an applicant to interchange any power with the grid unless it obtains long-term access, medium-term open access or short-term open access in accordance with the provisions of these regulations.
- (9) A generating station, including captive generating plant which has been granted connectivity to the grid shall be allowed to undertake testing including full load testing by injecting its infirm power into the grid before being put into commercial operation, even before availing any type of open access, after obtaining permission of the State Load Despatch Centre, which shall keep grid security in view while granting such

permission. Commercial treatment of such infirm power from a generating station or a unit thereof, other than those based on non-conventional energy sources, the tariff of which is determined by the Commission, will be governed by the applicable regulations on Terms and Conditions of Tariff. The power injected into the grid from other generating stations as a result of such testing shall be charged at the rates for imbalance determined by the Commission (*UI rates where rates of imbalance have not been notified by the Commission*).

- (10) An applicant may be required by the State Transmission Utility to construct a dedicated line to the point of connection to enable connectivity to the grid, unless exempted by the Commission for reasons to be recorded in writing. The cost of such line shall be borne by the applicant.

7. Application procedure for Connectivity to distribution system by a generating station:

- (1) All eligible generating stations including a captive generating plant, seeking connectivity to the distribution system, shall apply to the distribution licensee for connectivity in the Form prescribed in the procedure to be laid down by the Distribution Licensee.
- (2) The Application shall be accompanied by a non-refundable fee of **Rs. Two lakh** through demand draft in favour of UPCL payable at Dehradun.
- (3) The application for connectivity shall contain details such as, proposed geographical location of the generating station, quantum of power to be injected and such other details as may be laid down by the distribution licensee concerned in the procedure.

8. Processing of Application and Grant of connectivity to distribution system by a generating station :

- (1) On receipt of the application, the distribution licensee shall, in consultation and through coordination with State Transmission Utility, process the application and carry out the necessary inter-connection study as specified in the Central Electricity Authority (Technical Standards for Connectivity to the Grid) Regulations, 2007.
- (2) While granting connectivity, the distribution licensee shall specify the name of the sub-station or pooling station or switchyard where connectivity is to be granted. In case connectivity is to be granted by looping-in and looping-out of an existing or proposed line, the distribution licensee shall specify the point of connection and name of the line at which connectivity is to be granted.
- (3) The distribution licensee shall indicate the broad design features such as switchyard and interconnection facility upto the point of injection into the Sub-station of the distribution licensee and the timeframe for completion of the same. The cost of creation of these facilities shall be borne by the Generating Company. In cases where augmentation of the distribution licensee's sub-station is involved, the generating station shall also bear the cost of bay, breaker in the distribution licensee's sub-station and equipment for inter-connection of real time data to SLDC.
- (4) The applicant and the distribution licensee shall comply with the provisions of Central Electricity Authority (Technical Standards for Connectivity to the Grid) Regulations, 2007.
- (5) The applicant shall sign a connection agreement with the distribution licensee where connectivity is being granted.

- (6) The grant of connectivity shall not entitle an applicant to interchange any power with the grid unless it obtains long-term access, medium-term open access or short-term open access in accordance with the provisions of these regulations.
- (7) A generating station, including captive generating plant which has been granted connectivity to the distribution system shall be allowed to undertake testing including full load testing by injecting its infirm power into the grid before being put into commercial operation, even before availing any type of open access, after obtaining permission of the State Load Despatch Centre and the distribution licensee, who shall keep grid security in view while granting such permission. Commercial treatment of such infirm power from a generating station or a unit thereof, other than those based on non-conventional energy sources, the tariff of which is determined by the Commission, will be governed by the applicable regulations on Terms and Conditions of Tariff. The power injected into the grid from other generating stations as a result of such testing shall be charged at the rates for imbalance determined by the Commission (*UI rates where rates of imbalance have not notified by the Commission*).

9. Application procedure for Connectivity to distribution system by a Consumer :

Connectivity to distribution system by a consumer shall be governed as per procedure laid down in UERC (Release of new HT & EHT connections, Enhancement and Reduction of Loads) Regulations, 2008.

CHAPTER 3

GENERAL PROVISIONS FOR OPEN ACCESS

10. Eligibility for Open Access and conditions to be satisfied :

- (1) Subject to the provisions of these regulations, the licensees, generating companies, captive generating plants and consumers shall be eligible for open access to the intra-State transmission system of the State Transmission Utility or any transmission licensee on payment of transmission and other charges as may be determined by the Commission in accordance with Chapter 5 of these regulations.
- (2) Subject to the provisions of these regulations, the licensees, generating stations, captive generating plants and consumers shall be eligible for open access to distribution system of a distribution licensee on payment of the wheeling and other charges as may be determined by the Commission in accordance with Chapter 5 of these regulations.
- (3) Subject to the provisions of these regulations, open access shall be permissible to the consumers, located within the area of the distribution licensee of the State, having a contracted load of 100 kVA and above and connected to the distribution system of licensee at 11 kV or above, seeking open access capacity and are connected through an independent feeder emanating from a sub-station of licensee or industrial feeder provided that all the consumers on such industrial feeder opt for open access and having simultaneous schedule of drawal under such open access:

Provided that the consumers who are not on independent feeders, shall be allowed open access subject to the condition that they agree to rostering restrictions imposed by utility on the feeders serving them:

Provided further that duties of the distribution licensee with respect to such open access consumers shall be of a common carrier providing non-discriminatory open access as per Section 42(3) of the Act.

- (4) A person having been declared insolvent or bankrupt or having outstanding dues against him for more than two months billing of distribution/transmission licensee at the time of application shall not be eligible for open access.

11. Criteria for granting long-term access or medium-term or short-term open access :

- (1) Before awarding long-term access, the State Transmission Utility shall have due regard to the augmentation required for the intra-State transmission system.
- (2) Medium-term open access or short-term open access shall be granted if the resultant power flow can be accommodated in the existing transmission system or the transmission system under execution:

Provided that no augmentation shall be carried out to the transmission system for the sole purpose of granting medium-term open access or short-term open access:

Provided further that construction of a dedicated transmission line shall not be construed as augmentation of the transmission system for the purpose of this regulation.

CHAPTER 4

APPLICATION PROCEDURE AND APPROVAL

12. Categories of Open Access Consumers :

The application procedure, application fee and the time frame of processing request by eligible consumers seeking Open Access shall be based on the following criteria :--

- (1) System to which connected :
 - (a) Intra-State transmission system;
 - (b) Distribution system.
- (2) Inter-se location of drawal and injection points :
 - (a) Both within the same distribution system;
 - (b) Within the State but in different distribution systems ;
 - (c) Injection point in the Intra-State transmission system within the State;
 - (d) In different States.
- (3) Duration of Open Access :
 - (a) Long term access;
 - (b) Medium-term open access;
 - (c) Short-term open access.

13. Application procedure for Open Access :

- (1) All applications for open access shall be made in the prescribed Form and submitted to the Nodal agency in accordance with these regulations.
- (2) The Nodal agency, Application fee, Documents to accompany the application and time frame for disposal of application shall be as specified in the following Tables :--

Table 1 Open Access Consumer connected at 66 kV or below

S. No.	Period	Inter-se location of drawal and injection point	Nodal agency	Application fee (Rs.)	Documents to accompany the application	Time frame for disposal of application (days from the receipt of application)
1.	Short-Term Open Access	Both within the same Distribution Licensee	Concerned Distribution Licensee	2000	Period of payment of Application fee	* 7 working days in case STOA applied for first time * 3 working days on subsequent STOA applications
2.		Both within the same State but in areas of Distribution Licensees	SLDC	5000	Period of payment of Application fee, Consent from concerned Distribution licensees	* 7 working days in case STOA applied for first time * 3 working days on subsequent STOA applications
3.		Injection point in the intra-State transmission system within the State	SLDC	5000	Consent from concerned Distribution licensee, Proof of payment of Application fee	* 7 working days in case STOA applied for first time * 3 working days on subsequent STOA applications
4.	Medium-Term Open Access	In different States	RLDC of the region where consumer is located	5000	Consent from concerned SLDCs and Distribution licensees as applicable, Proof of payment of Application fee	As per Central Commission's Regulation
5.		Both within the Same Distribution licensee	Concerned Distribution Licensee	50000	Proof of payment of Application fee, PPA or Sale-purchase agreement of power. In case of generating station not already connected to grid, documentary evidence for completion of the connectivity showing that the same shall be completed before intending date of MTOA	20
6.		Both within the Same State but different Distribution Licensees	STU	100000	Proof of payment of Application fee, PPA or Sale-purchase agreement of power. In case of generating station not already connected to grid, documentary evidence for completion of the connectivity showing that the same shall be completed before intending date of MTOA, consent from concerned distribution licensees	40

Table 1 Open Access Consumer connected at 66 kV or below

S. No.	Period	Inter-se location of drawal and injection point	Nodal agency	Application fee (Rs.)	Documents to accompany the application	Time frame for disposal of application (days from the receipt of application)
7.		Injection point in the intra-State transmission system within the State	STU	100000	Proof of payment of Application fee, PPA or Sale-purchase agreement of power. In case of generating station not already connected to grid, documentary evidence for completion of the connectivity showing that the same shall be completed before intending date of MTOA, Consent from concerned Distribution licensees	40
8.		In different States	CTU	100000	Proof of payment of Application fee, PPA or Sale-purchase agreement of power. In case of generating station not already connected to grid, documentary evidence for completion of the connectivity showing that the same shall be completed before intending date of MTOA, Consent from concerned SLDCs and Distribution licensees as applicable	As per Central Commission's Regulation
9.		Both within the same Distribution licensee	Concerned Distribution Licensee	50000	Proof of payment of Application fee, PPA or Sale-purchase agreement of power. In case of generating station not already connected to grid, documentary evidence for completion of the connectivity showing that the same shall be completed before intending date of LTA	20
10.	Long Term Access	Both within the same State but different Distribution Licensees	STU	100000	Proof of payment of Application fee, PPA or Sale-purchase agreement of power. In case of generating station not already connected to grid, documentary evidence for completion of the connectivity showing that the same shall be completed before intending date of LTA, consent from concerned distribution licensees	* 120 days where augmentation of transmission system is not required * 150 days, where augmentation of transmission system is required

Table 1 Open Access Consumer connected at 66 kV or below

S. No.	Period	Inter-se location of drawal and injection point	Nodal agency	Application fee (Rs.)	Documents to accompany the application	Time frame for disposal of application (days from the receipt of application)
11.		Injection point in the intra-State transmission system within the State	STU	100000	Proof of payment of Application fee, PPA or Sale-purchase agreement of power. In case of generating station not already connected to grid, documentary evidence for completion of the connectivity showing that the same shall be completed before intending date of LTA, Consent from concerned Distribution licensees	* 120 days where augmentation of transmission system is not required * 150 days, where augmentation of transmission system is required
12.		In different States	CTU	100000	Proof of payment of Application fee, PPA or Sale-purchase agreement of power. In case of generating station not already connected to grid, documentary evidence for completion of the connectivity showing that the same shall be completed before intending date of LTA, Consent from concerned SLDCs and Distribution licensees as applicable	As per Central Commission's Regulation

Table 2 Open Access Consumer connected at 132 kV and above

S. No.	Period	Inter-se location of drawal and injection point	Nodal agency	Application fee (Rs.)	Documents to accompany the application	Time frame for disposal of application
1.	Short-Term Open Access	Both within the same State (in the intra-State transmission system)**	SLDC	5000	Proof of payment of Application fee	* 7 working days in case STOA applied for first time * 3 working days on subsequent STOA applications
2.		Injection point in the distribution system within the State	SLDC	5000	Consent from concerned Distribution licensee, Proof of payment of Application fee	* 7 working days in case STOA applied for first time. * 3 working days on subsequent STOA applications

Table 2 Open Access Consumer connected at 132 kV and above

S. No.	Period	Inter-se location of drawal and injection point	Nodal agency	Application fee (Rs.)	Documents to accompany the application	Time frame for disposal of application
3.		In different States	RLDC of the region where consumer is located	5000	Consent from concerned SLDCs and Distribution licensee as applicable, Proof of payment of Application fee,	As per Central Commission's Regulation
4.		Both within the same State (in the intra-State transmission system)**	STU	100000	Proof of payment of Application fee, PPA or Sale-purchase agreement of power. In case of generating station not already connected to grid, documentary evidence for completion of the connectivity showing that the same shall be completed before intending date of MTOA	20
5.	Medium-Term Open Access	Injection point in the distribution system within the State	STU	100000	Proof of payment of Application fee, PPA or Sale-purchase agreement of power. In case of generating station or consumer not already connected to grid, documentary evidence for completion of the connectivity showing that the same shall be completed before intending date of MTOA, Consent from concerned Distribution licensee	20
6.		In different States	STU	100000	Proof of payment of Application fee, PPA or Sale-purchase agreement of power. In case of generating station or consumer not already connected to grid, documentary evidence for completion of the connectivity showing that the same shall be completed before intending date of MTOA, Consent from concerned SLDCs and Distribution licensee as applicable	As per Central Commission's Regulation

Table 2 Open Access Consumer connected at 132 kV and above

S. No.	Period	Inter-se location of drawal and injection point	Nodal agency	Application fee (Rs.)	Documents to accompany the application	Time frame for disposal of application
7.	Long-Term Access	Both within the same State (in the intra-State transmission system)**	STU	200000	Proof of payment of Application fee, Bank Guarantee, PPA or Sale-purchase agreement of power. In case of generating station or consumer not already connected to grid, documentary evidence for completion of the connectivity showing that the same shall be completed before intending date of LTA	* 120 days where augmentation of transmission system is not required * 150 days, where augmentation of transmission system is required
8.		Injection point in the distribution system within the State	STU	200000	Proof of payment of Application fee, Bank Guarantee, PPA or Sale-purchase agreement of power. In case of generating station or consumer not already connected to grid, documentary evidence for completion of the connectivity showing that the same shall be completed before intending date of LTA, Consent from concerned Distribution licensee	* 120 days where augmentation of transmission system is not required * 150 days, where augmentation of transmission system is required
9.		In different States	CTU	200000	Proof of payment of Application fee, Bank Guarantee, PPA or Sale-purchase agreement of power. In case of generating station or consumer not already connected to grid, documentary evidence for completion of the connectivity showing that the same shall be completed before intending date of LTA, Consent from concerned STU and Distribution licensee as applicable	As per Central Commission's Regulation

** Applicable to Open Access customers other than Open Access Consumers

14. Procedure for Long Term Access :

(1) Involving inter-State transmission system

Notwithstanding anything contained in sub-regulation (2) and (3) herein below, procedure for inter-State long-term Access shall be as per Central Electricity Regulatory Commission (Grant of Connectivity, Long-term Access and Medium-term Open Access in inter-State Transmission and related matters) Regulations, 2009 or its statutory re-enactments as amended from time to time:

Provided that in respect of a consumer connected to a distribution system seeking inter-State long-term access, the SLDC, before giving its consent to the RLDC as required under the Central Commission's Regulations, shall require the consumer to submit the consent of the distribution licensee concerned.

(2) Without Involving inter-State transmission system :

Subject to the provisions of sub-regulation (1) herein above, intra-State long-term Access involving intra-State transmission system shall be in accordance with the provisions of clause (a) to (l) herein below :--

- (a) The application for grant of long-term access shall contain details such as name of the entity or entities from whom electricity is proposed to be procured along with the quantum of power and such other details as may be laid down by the State Transmission Utility in the detailed procedure:

Provided that in case augmentation of transmission system is required, the applicant shall also have to bear the transmission charges for the same as per 2nd proviso of sub-regulation (1) of Regulation 21 contained in Chapter 5 of these regulations:

Provided further that in cases where there is any material change in location of the applicant or change by more than 10 percent in the quantum of power to be interchanged using the intra-State transmission system, a fresh application shall be made, which shall be considered in accordance with these regulations.

- (b) The applicant shall submit any other information sought by the nodal agency including the basis for assessment of power to be interchanged using the intra-State transmission system and power to be transmitted to or from various entities or regions to enable the nodal agency to plan the intra-State transmission system in a holistic manner.
- (c) The application shall be accompanied by a bank guarantee of Rs 10,000/- (ten thousand) per MW of the total power to be transmitted. The bank guarantee shall be in favour of the nodal agency, in the manner laid down under the detailed procedure.
- (d) The bank guarantee of Rs. 10,000 / - (ten thousand) per MW shall be kept valid and subsisting till the execution of the long-term access agreement, in the case when augmentation of transmission system is required, and till operationalisation of long-term access when augmentation of transmission system is not required.
- (e) The bank guarantee may be encashed by the nodal agency, if the application is withdrawn by the applicant or the long-term access rights are relinquished prior to the operationalisation of such rights when augmentation of transmission system is not required.
- (f) The aforesaid bank guarantee will stand discharged with the submission of another bank guarantee required to be given by the applicant to the State Transmission Utility during construction phase when augmentation of transmission system is required, in accordance with the provisions in the detailed procedure.

- (g) On receipt of the application, the nodal agency shall, in consultation and through coordination with other agencies involved in intra-State transmission system to be used, process the application and carry out the necessary system studies as expeditiously as possible so as to ensure that the decision to grant long-term access is arrived at within the timeframe specified in sub-regulation (2) of Regulation 13 above:

Provided that in case the nodal agency faces any difficulty in the process of consultation or coordination, it may approach the Commission for appropriate directions.

- (h) Based on the system studies, the nodal agency shall specify the intra-State transmission system that would be required to give long-term access. In case augmentation to the existing intra-State transmission system is required, the same will be intimated to the applicant.
- (i) While granting long-term access, the nodal agency shall communicate to the applicant, the date from which long-term access shall be granted and an estimate of the transmission charges including additional transmission charges, if any, for works pertaining to augmentation of transmission system as per 1st proviso of sub-regulation (a) above, likely to be payable based on the prevailing costs, prices and methodology of sharing of transmission charges specified by the Commission subject to approval by the Commission in accordance with 2nd proviso of sub-regulation (1) of Regulation 21 contained in Chapter 5 of these regulations.
- (j) The applicant shall sign an agreement for long-term access with the State Transmission Utility in case long-term access is granted by the State Transmission Utility, in accordance with the provision as may be provided in the detailed procedure. While seeking long-term access to an intra-State transmission licensee, other than the State Transmission Utility, the applicant shall sign a tripartite long-term access agreement with the State Transmission Utility and the intra-State transmission licensee. The long-term access agreement shall contain the date of commencement of long-term access, the point of injection of power into the grid and point of drawal from the grid and the details of dedicated transmission lines, if any, required. In case augmentation of transmission system is required, the long-term access agreement shall contain the time line for construction of the facilities of the applicant and the transmission licensee, the bank guarantee required to be given by the applicant and other details in accordance with the detailed procedure.
- (k) Immediately after grant of long-term access, the nodal agency shall inform the State Load Despatch Centre so that it can consider the same while processing requests for grant of short-term open access, received under these regulations.
- (l) On the expiry of the period of long-term access, the same shall stand extended on a written request by the consumer, to the State Transmission Utility, submitted at least six months prior to such expiry, mentioning the period for which extension is required:

Provided that in case no written request is received from the customer within the timeline specified above, the said long-term access shall stand terminated on the date up to which it was initially granted.

(3) Within same distribution system :

The procedure specified in sub-regulation (2) above shall, mutatis mutandis, apply to cases of long-term access when the point of injection and the point of drawal are located in the same distribution system.

15. Procedure for medium-term open access :**(1) Involving inter-State transmission system :**

Notwithstanding anything contained in sub-regulation (2) and (3) herein below, procedure for inter-State medium-term open access shall be as per Central Electricity Regulatory Commission (Grant of Connectivity, Long-term Access and Medium-term Open Access in inter-State Transmission and related matters) Regulations, 2009 or its statutory re-enactment as amended from time to time: Provided that in respect of a consumer connected to a distribution system seeking inter-State medium-term open access, the SLDC, before giving its consent to the RLDC as required under the Central Commission's regulations, shall require the consumer to submit the consent of the distribution licensee concerned.

(2) Without Involving inter-State transmission system :

Subject to the provisions of sub-regulation (1) herein above, intra-State medium-term open access involving intra-State transmission system shall be in accordance with the provisions of sub-regulation (a) to (g) herein below:--

(a) The application for grant of medium-term open access shall contain such details as may be laid down under the detailed procedure and shall, in particular, include the point of injection into the grid, point of drawal from the grid and the quantum of power for which medium-term open access has been applied for.

(b) The start date of the medium-term open access shall not be earlier than 5 months and not later than 1 year from the last day of the month in which application has been made.

(c) On receipt of the application, the nodal agency shall, in consultation and through coordination with other agencies involved in intra-State transmission, process the application and carry out the necessary system studies as expeditiously as possible so as to ensure that the decision to grant or refuse medium-term open access is made within the timeframe specified in sub-regulation (2) of Regulation 13 herein above:

Provided that in case the nodal agency faces any difficulty in the process of consultation or coordination, it may approach the Commission for appropriate directions.

(d) On being satisfied that the requirements, with respect to criteria for granting medium-term open access specified under sub-regulation (2) of Regulation 11 are met, the nodal agency shall grant medium-term open access for the period stated in the application:

Provided that for reasons to be recorded in writing, the nodal agency may grant medium-term open access for a period less than that sought for by the applicant:

- (e) The applicant shall sign an agreement for medium term open access with the State Transmission Utility, in accordance with the provision as may be made in the detailed procedure. While seeking medium-term open access to an intra-State transmission licensee, other than the State Transmission Utility, the applicant shall sign a tripartite medium-term open access agreement with the State Transmission Utility and the intra-State transmission licensee. The medium-term open access agreement shall contain the date of commencement and end of medium-term open access, the point of injection of power into the grid and point of drawal from the grid, the details of dedicated transmission lines required, if any, the bank guarantee required to be given by the applicant and other details in accordance with the detailed procedure.
- (f) Immediately after grant of medium-term open access, the nodal agency shall inform the State Load Despatch Centre so that it can consider the same while processing requests for short- term open access received under these regulations.
- (g) On expiry of the period of the medium-term open access, the medium-term customer shall not be entitled to any overriding preference for renewal of the term.

(3) Within same distribution system :

The procedure specified in sub-regulation (2) above shall, mutatis mutandis, apply to cases of medium-term open access when the point of injection and the point of drawal are located in the same distribution system.

16. Procedure for short term Open Access :

(1) Involving inter-State transmission system :

Notwithstanding anything contained in sub-regulation (2) to (3) herein below, procedure for inter-State short- term Open Access shall be as per Central Electricity Regulatory Commission (Open Access in inter-State Transmission) Regulations, 2008, or its statutory re-enactments, as amended from time to time :

Provided that in respect of a consumer connected to a distribution system seeking inter-State short-term open access, the SLDC, before giving its consent to the RLDC as required under the Central Commission's regulations, shall require the consumer to submit the consent of the distribution licensee concerned.

(2) Without involving inter-State transmission system :

Subject to the provisions of sub-regulation (1) herein above, intra-State short-term Open Access shall be in accordance with the provisions of clause (a) to (f) herein below:-

(a) Open Access in advance :

- (i) Application may be submitted to the Nodal Agency seeking short-term open access upto the fourth month, considering the month in which an application is made being the first month.
- (ii) Separate application shall be made for each month and for each transaction in a month.

- (iii) The application to the Nodal agency shall be on the prescribed form given in [FORMAT ST-1] containing such details as capacity needed, generation planned or power purchase contracted, point of injection, point of drawal, duration of availing open access, peak load, average load and such other additional information as may be required by the Nodal agency. The application shall be accompanied by a non-refundable application fee in cash or by demand draft in favour of the officer so notified by Nodal agency.
- (iv) An application for grant of open access commencing in any month may be submitted in a cover marked "Application for Short-Term Open Access - in advance" up to 15th day of the preceding month. For example, application for grant of open access commencing in the month of July shall be received up to 15th day of June.
- (v) Nodal agency shall acknowledge receipt of the application by indicating time and date on "ACKNOWLEDGEMENT" to the applicant.
- (vi) A consumer of distribution licensee intending to avail open access shall also furnish a copy of his application to the distribution licensee of his area of supply.
- (vii) Based on the type of transactions Nodal agency shall take a decision on the applications for short-term open access in the manner provided herein below.
- (viii) All applications received under sub-clause (iv) above shall be taken up for consideration together and processed as per allotment priority criteria specified under Regulation 20 of these regulations.
- (ix) Nodal agency shall check transaction for congestion of any element (line and transformer) of transmission and distribution system involved in transaction.
- (x) Nodal agency shall convey grant of open access or otherwise in format [FORMAT-ST2] along with schedule of payments to the consumer latest by 19th day of such preceding month.
- (xi) Nodal agency shall assign specific reasons if open access is denied under sub clause (x).

(b) Day-Ahead Open Access :

- (i) An application for grant of day ahead open access may be received by Nodal agency within three days prior to the date of scheduling but not later than 1300 Hours of the day immediately preceding the day of scheduling for day-ahead transaction.
- (ii) For example, application for day-ahead transaction on 25th day of July shall be received on 22nd day or 23rd day or up to 1300 hours on 24th day of that month.
- (iii) Nodal agency shall check for congestion and convey grant of approval or otherwise in the same format [FORMAT-ST2] as provided in sub-clause (x) of clause (a) above. All other provisions of application for short-term open access shall apply.

(c) Bidding Procedure :

- (i) If the capacity sought by the consumers for Open Access in Advance for the following month is more than the available capacity or SLDC perceives congestion of any element of transmission and distribution system involved in the transaction, the allocation shall be made through electronic bidding procedure.
- (ii) The decision of SLDC in respect of an expected congestion shall be final and binding.
- (iii) SLDC shall convey information of congestion and decision for invitation of bidding indicating floor price on format [FORMAT-ST3] to the applicants .
- (iv) SLDC shall also display bidding information on its website.
- (v) The floor price of transmission and wheeling charges determined on the basis of relevant order of the Commission shall be indicated in FORMAT-ST3.
- (vi) The Bids shall be accepted on format [FORMAT-ST4] up to the "bid closing time" as indicated in bidding invitation FORMAT-ST3. Modification / amendment to a bid, once submitted shall not be entertained.
- (vii) If any customer does not participate in bidding process, his application shall be deemed to have been withdrawn and shall not be processed.
- (viii) SLDC shall not entertain any request for extension of time/ date for submission of bids.
- (ix) The bidders shall quote price (rounded-off to whole number) in denomination in which floor price has been determined.
- (x) The quoted price shall be arranged in descending order and allocation of available capacities shall be accorded in such descending order until the available capacity is exhausted.
- (xi) In case of equal price quoted by two or more customers, the allocation from the residual available capacity at any stage under sub-clause (x) above shall be made in proportion to capacity being sought by such customers.
- (xii) All customers, in favour of whom full capacities have been allotted, shall pay the highest price obtained from bids.
- (xiii) The customers, who are allotted less capacity, shall pay the price as quoted by them.
- (xiv) SLDC shall reject bid which are incomplete, vague in any manner or not found in conformity with bidding procedure.
- (xv) The successful bidder, in favour of whom the capacities have been allocated, shall pay transmission charges, wheeling charges, as the case may be, determined by bidding under sub clause (xii) or (xiii) of this clause.

- (d) The reserved capacity by a short-term open access customer is not transferable to others.
- (e) The capacity available as a result of surrender or reduction or cancellation of the reserved capacity by the State Load Dispatch Centre, may be reserved for any other short-term open access customer in accordance with these regulations.
- (f) On expiry of the period of the short-term open access, the short-term customer shall not be entitled to any overriding preference for renewal of the term.

(3) Within same distribution system :

The procedure specified in sub-regulation (2) above, mutatis mutandis, shall apply to cases of short-term open access when the point of injection and the point of drawal are located in the same distribution system.

17. Consent by STU, SLDC or Distribution Licensee for Open Access :

(1) Involving inter-State transmission system :

STU in the case of application for grant of long-term access and SLDC in the case of grant of medium-term open access and short-term open access shall convey its consent or otherwise as per the provisions of Central Electricity Regulatory Commission (Grant of Connectivity, Long-term Access and Medium-term Open Access in inter-State Transmission and related matters) Regulations, 2009 and Central Electricity Regulatory Commission (Open Access in inter-State Transmission) Regulations, 2008, respectively or their statutory re-enactments, as amended from time to time. In case of applicant connected to the distribution licensee, the said distribution licensee shall convey its consent or otherwise within 3 days of receipt of the request of the applicant.

(2) Without involving Inter-State transmission system :

- (a) While processing the application seeking consent for intra-State open access, the nodal agency shall verify the following, namely-
 - (i) Existence of infrastructure necessary for time-block-wise energy metering and accounting in accordance with the provisions of the State Grid Code in force, and
 - (ii) Availability of capacity in the transmission and/or distribution network.
- (b) Where existence of necessary infrastructure and availability of capacity in the transmission and/or distribution network has been established, the nodal agency shall convey its consent to the applicant by e-mail or fax or by any other usually recognised mode of communication, within three (3) working days of receipt of the application.
- (c) In case the nodal agency finds that the application for consent is incomplete or defective in any respect, it shall communicate the deficiency or defect to the applicant by e-mail or fax or by any other usually recognised mode of communication, within two (2) working days of receipt of the application.
- (d) In case the application has been found to be in order but the nodal agency refuses to give consent on the grounds of non-existence of necessary infrastructure or unavailability of surplus capacity in the distribution network,

such refusal shall be communicated to the applicant by e-mail or fax or by any other usually recognized mode of communication, within the period of three (3) working days from the date of receipt of the application, along with reasons for such refusal.

- (e) Where the nodal agency has not communicated any deficiency or defect in the application within two (2) days from the date of receipt of application, or refusal or consent within the specified period of three (3) working days from the date of receipt of the application consent shall be deemed to have been granted.

(3) Within same distribution system :

The procedure specified in sub-regulation (2) above, mutatis mutandis, shall apply to applicant seeking consent for intra-State open access when the point of injection and the point of drawal are located in the same distribution system.

18. Consideration of applications from defaulters :

Notwithstanding anything contained in these regulations, the Nodal Agency shall be at liberty to summarily reject an application for Open Access on the ground of non-compliance of the provisions of these regulations, more specifically the provisions relating to timely payment of the charges leivable hereunder.

19. Application by eligible entities other than consumers and generating stations connected to distribution system :

The procedure for submission of the application and processing the same as laid down in this Chapter in respect of the consumers shall, mutatis mutandis, be applicable to the electricity trading licensees, distribution licensees and the generating companies connected to the STU as well. The procedure for submission and processing of Open Access application by a generating company in respect of a generating station connected to distribution system has been specified in Chapter 9 below.

20. Allotment Priority :

- (1) The priority for allotment of open access in intra-State transmission system shall be decided on the following criteria:
 - (a) A distribution Licensee shall have the highest priority in allotment of open access capacity irrespective of whether the open access request is for long-term, medium-term or short-term.
 - (b) The long-term open access applicants shall have the priority next to the distribution licensee.
 - (c) The medium-term open access applicants shall have the priority next to the long-term open access applicants.
 - (d) The short-term open access applicants shall have the priority next to the medium-term open access applicants.
 - (e) Allotment priority for short-term open access applicants shall be decided subject to capacity availability.
 - (f) An existing open access customer shall have the priority higher than new open access applicants under respective category provided the former applies for its renewal thirty days prior to the expiry of existing term of open access.

- (g) When the requirement projected by an applicant is more than the available capacity and the said applicant is not able to limit his requirement to the available capacity, the request of applicant having next lower priority shall be taken up for consideration.

CHAPTER 5

OPEN ACCESS CHARGES

21. Transmission Charges & Wheeling Charges :

(1) Transmission Charges

Open Access customer using transmission system shall pay the charges as stated hereunder:

- (a) For use of inter-State transmission system - As specified by the Central Commission from time to time.
- (b) For use of intra-State transmission system - Transmission charges payable to State Transmission Utility/ transmission licensee by an open access customer for usage of their system shall be determined as under:

$$\text{Transmission Charges} = \text{ATC}/(\text{PLS}_T \times 365) \text{ (in Rs./MW-day)}$$

Where,

ATC = Annual Transmission Charges determined by the Commission for the State transmission system for the previous year

PLS_T = Peak load served by the State transmission system in that year

Provided that transmission charges shall be payable on the basis of contracted Capacity/ Scheduled Load or actual power flow whichever is higher. For Open Access for a part of a day, the transmission charges shall be payable on pro-rata basis:

Provided further that where augmentation of transmission system including dedicated transmission system used for open access has been constructed for exclusive use of or being used exclusively by an open access customer, the transmission charges for such dedicated system shall be worked out by transmission licensee for their respective systems and got approved by the Commission and shall be borne entirely by such open access customer till such time the surplus capacity is allotted and used for by other persons or purposes.

(2) Wheeling Charges :

Wheeling charges payable to distribution licensee, by an open access customer for usage of its system shall be as determined as under:

$$\text{Wheeling Charges} = (\text{ARR} - \text{PPC} - \text{TC})/(\text{PLS}_D \times 365) \text{ (in Rs./MW-Day)}$$

Where,

ARR= Annual Revenue Requirement of the distribution licensee in the previous year

PPC= Total Power Purchase Cost of distribution licensee in the previous year

TC = Total transmission charges paid by distribution licensee for State and Inter-State transmission system for the previous year

PLS_D=Total Peak load served by the concerned distribution system in the previous year

Provided that Wheeling charges shall be payable on the basis of contracted Capacity/Scheduled Load or actual power flow whichever is higher. For Open Access for a part of a day, the wheeling charges shall be payable on pro-rata basis:

Provided further that where a dedicated distribution system used for open access has been constructed for exclusive use of an open access customer, the wheeling charges for such dedicated system shall be worked out by distribution licensee for their respective systems and got approved by the Commission and shall be borne entirely by such open access customer till such time the surplus capacity is allotted and used for by other persons or purposes.

- (3) Notwithstanding anything contained in sub-regulations (1) & (2) above, in case of generators who have signed Implementation Agreement with Government of Uttarakhand and wheeling charges (including transmission charges payable to monolithic UPCL as transmission and distribution licensee at the time of signing of such Implementation Agreement) has been provided in the said Implementation Agreement, then the wheeling charges (including transmission charges) shall be as per such provision of said implementation agreement.

22. Scheduling and system operation charges :

Scheduling and system operation charges shall be payable by the Open Access customers at the following rates:

(1) In respect of inter-State open access :

- (a) Long-term access and Medium-term open access
 - (i) Regional Load Despatch Centre fees and charges including charges for the Unified Load Despatch and Communication Scheme as specified by the Central Commission under section 28(4) of the Act.
 - (ii) State Load Despatch Centre charges as specified by the Commission under sub-section (3) of Section 32 of the Act.
- (b) Short-term open access
 - (i) Regional Load Despatch Centre and State load dispatch centre charges as specified by the Central Commission.

(2) In respect of intra-State open access :

- (a) Long-term access and medium-term open access

(i) Long-term access and medium-term open access customers shall be liable to pay SLDC charges determined by the Commission under sub-section (3) of section 32 of the Act.

(b) Short-term open access

(i) A composite operating charge @ Rs.2,000/- per day or part of the day shall be payable by a short-term open access customer for each transaction to the SLDC or as determined by the Commission from time to time.

Explanation: The operating charge includes fee for scheduling and system operation, energy accounting, fee for affecting revisions in schedule on bonafide grounds and collection and disbursement of charges.

23. Cross subsidy surcharge :

(1) If open access facility is availed of by a subsidising consumer of a distribution licensee of the State, then such customer, in addition to transmission and/or wheeling charges, shall pay cross subsidy surcharge determined by the Commission. Cross subsidy surcharge determined on Per Unit basis shall be payable, on monthly basis, by the open access customers based on the actual energy drawn during the month through open access. The amount of surcharge shall be paid to the distribution licensee of the area of supply from whom the consumer was availing supply before seeking open access:

Provided that the Commission may fix a lower surcharge in the situation of shortages and load shedding by the distribution licensee:

Provided further that such surcharge shall not be levied in case transmission/distribution access is provided to a long term/Medium term open access customer and a person who has established a captive generation plant for carrying the electricity to the destination of his own use.

Provided also that in case power supply position or the consumer load seeking open access changes substantially, the Commission may review the Cross Subsidy Surcharge as and when required.

(2) The cross subsidy surcharge for short term open access shall be determined in accordance with the following formula:

Surcharge formula:

$$S = T - C$$

Where,

S is the cross subsidy surcharge;

T is the Tariff payable by the relevant category of consumers;

C is the average cost of supply of distribution licensee during period for which Open Access has been sought.

24. Additional Surcharge :

- (1) An open access consumer, receiving supply of electricity from a person other than the distribution licensee of his area of supply, shall pay to the distribution licensee an additional surcharge on the charges of wheeling, in addition to wheeling charges and cross-subsidy surcharge, to meet out the fixed cost of such distribution licensee arising out of his obligation to supply as provided under sub-section (4) of Section 42 of the Act.
- (2) This additional surcharge shall become applicable only if the obligation of the licensee in terms of power purchase commitments has been and continues to be stranded or there is an unavoidable obligation and incidence to bear fixed costs consequent to such a contract. However, the fixed costs related to network assets would be recovered through wheeling charges.
- (3) The distribution licensee shall submit to the Commission, on six monthly basis, a detailed calculation statement of fixed cost which the licensee is incurring towards his obligation to supply.

The Commission shall scrutinize the statement of calculation of fixed cost submitted by the distribution licensee and obtain objections, if any, and determine the amount of additional surcharge:

Provided that any additional surcharge so determined by the Commission shall be applicable only to the new open access consumers.

- (4) Additional surcharge determined on Per Unit basis shall be payable, on monthly basis, by the open access customers based on the actual energy drawn during the month through open access:

Provided that such additional surcharges shall not be levied in case distribution access is provided to a person who has established a captive generation plant for carrying the electricity to the destination of his own use.

25. Standby charges for drawal of power by open access consumer from distribution licensee :

- (1) In cases of outages of generator supplying to open access consumer under open access or generator connected to distribution system injecting power through open access requires start up power, standby arrangements shall be provided by the distribution licensee subject to the load shedding as applicable to consumer of the licensee and the licensee shall be entitled to collect tariff under Temporary rate of charge for that category of consumer in the prevailing rate schedule:

Provided further that in case of standby arrangements sought by continuous process industries, the licensee shall charge on the basis of actual costs involved in arranging power:

Provided also that open access customers would have the option to arrange standby power from any other source:

Provided further that there shall be no standby charges for embedded consumers.

CHAPTER 6

SCHEDULING, METERING, REVISION AND LOSSES

26. Scheduling:

- (1) Notwithstanding anything contained in the succeeding sub-regulation of this regulation, scheduling of inter-State open access transactions shall be as specified by the Central Commission.
- (2) Subject to the foregoing clause, intra-State open access transactions in respect of all consumers and generating stations irrespective of the capacity shall be scheduled by SLDC in accordance with the provisions of the State Grid Code.

27. Metering:

- (1) All open access consumers (except Embedded consumers) and all generating stations irrespective of capacity shall be provided with, Special Energy Meters by the State Transmission Utility or the distribution licensee as the case may be, for and at the cost of the open access customers. For embedded consumers existing ToD meters would be adequate.
- (2) Special Energy Meters installed shall be capable of time-differentiated measurements for time-block-wise active energy and voltage differentiated measurement of reactive energy in accordance with the State Grid Code.
- (3) Special Energy Meters shall always be maintained in good condition.
- (4) Special Energy Meters shall be open for inspection by any person authorized by the State Transmission Utility or the State Load Despatch Centre.
- (5) All the open access customers shall abide by the metering standards of CEA.

28. Revision:

Revision of scheduled energy shall be permitted in accordance with the provisions of IEGC or the State Grid Code as the case may be.

29. Losses:

- (1) **Transmission losses:** System transmission losses shall be payable in kind by all open access customers.

(a) Inter-State transmission

(i) Long-term access and medium-term open access:

The buyers shall bear apportioned energy losses in the transmission system in accordance with the provisions specified by the Central Commission.

(ii) Short-term Open Access

The buyers and sellers shall absorb apportioned energy losses in the transmission system in accordance with the provisions specified by the Central Commission.

(b) Intra-State transmission

- (i) The transmission losses for the intra-State system shall be determined by the Commission in their tariff orders for the applicable year, shall be apportioned in proportion to the actual energy drawal by the open access customers and shall be payable in kind.

- (2) **Distribution loss:** System distribution losses shall be payable by all open access consumers and Captive Power Plants supplying power to its units within the state as determined by the Commission for various voltage levels in their tariff orders for the applicable year. Distribution system losses shall also be payable in kind by Generators and Traders who are connected through distribution system of licensee.

Example:

- (A) *Embedded Generator connected to 33kV Distribution system of the licensee supplying to consumer outside State:*

(i) Power injected at interconnecting point	-	8.00 MW
(ii) Distribution system losses @ 15 %	-	1.20MW
(iii) Power injected at transmission level	-	6.80MW
(iv) State transmission system losses @1.86%	-	0.13 MW
(v) Net scheduled at state periphery (for SLDC)	-	6.67 MW
(vi) NR transmission losses@ 4%	-	0.27 MW
(vii) Net available to beneficiary	-	6.40MW

Note: In addition to above, transmission losses of other regions shall also be applicable if power is being transmitted outside NR region.

- (B) *Consumer of distribution licensee availing power from outside State under open access (say from power exchange) :*

(i) Power drawn by the consumer at his premises (say A)	- 8 MW
(ii) Distribution loss @ 15% (say B)	
(iii) Power required at distribution periphery ($C=A/(1-B)$)	- 9.4 MW
(iv) Transmission loss = 1.86% (say D)	
(v) Schedule at state periphery ($E=C/(1-D)$)	- 9.6 MW
(vi) Central transmission losses(say F)	
(vii) Power to be tied up from exchange ($G=E/(1-F)$)	- 10 MW

Note: In addition to above, transmission losses of other regions shall also be applicable if power is being drawn from outside NR region.

Note: High Voltage rebate provided in relevant tariff order shall be suitably incorporated while fixing distribution loss for open access consumers. The same has been illustrated in the example given below:

Example:

(i) High Voltage Rebate for 132 kV (%)	= A
(ii) Average recovery rate from HT Industry category	= Rs X/kWh
(iii) Average Power Purchase Rate	= Rs Y/kWh
(iv) Equivalent loss compensation for rebate (%)	= X/Y times of A
(v) Average loss chargeable to relevant category (%)	= B
(vi) Loss chargeable to consumer getting HV rebate (%)	= $B - X/Y$ of A

CHAPTER 7

IMBALANCE AND REACTIVE ENERGY CHARGES

30. Imbalance Charge :

- (1) Scheduling of all transactions pursuant to grant of long-term access or medium term open access or short-term open access shall be carried out on day-ahead basis in accordance with the relevant provisions of IEGC for inter-State transactions and in accordance with State Grid Code for intra-State transactions.
- (2) In case of deviation by open access consumers with load of less than 10 MW, the difference between the applicable sanctioned Open Access load and the actual drawal shall be accounted through the Time of Day (ToD) Meters on monthly basis and settled at the rate of the imbalance charge as determined by the Commission (*where imbalance charge has not been determined by the Commission, UI rate as determined by the Central Commission shall be applicable*). In case of underdrawal as a result of non availability of the distribution system or unscheduled load shedding, the open access consumer shall be compensated by the distribution licensee at the average power purchase cost of the distribution licensee.
- (3) Deviations between the schedule and the actual injection/drawal in respect of open access consumers with load of 10 MW and above and the Generating Stations irrespective of the capacity, shall be settled based on the composite accounts for imbalance transactions issued by SLDC on a weekly cycle based on net metering in accordance with the rates specified by the Commission.
 [in respect of the States where the imbalance charges are not specified by the Commission, the phrase "in accordance with the rates specified by the Commission" shall be replaced by 'in accordance with the rates specified by the Central Commission']
- (4) Payment of imbalance charges shall have a high priority and the concerned constituents (including the licensees or the open access customers as the case may be) shall pay the indicated amounts within 10 (ten) days of the issue of the statement, into a State imbalance pool account operated by the SLDC. The person who has to receive the money on account of imbalance charges would then be paid out from the State imbalance pool account, within three (3) working days.
- (5) If payments against the above imbalance charges are delayed by more than two days, i.e., beyond twelve (12) days from the date of issue of statement, the defaulting party shall have to pay simple interest @ 0.04% for each day of delay. The interest so collected shall be paid to the person who had to receive the amount, payment of which got delayed. Persistent payment defaults, if any, shall be reported by the SLDC to the Commission, for initiating remedial action.

31. Reactive Energy Charge :

In respect of open access customer (except embedded consumers), the payment for the reactive energy charges by open access customers shall be in accordance with provisions stipulated in the IEGC till such provision is stipulated in State Grid Code.

CHAPTER 8

COMMERCIAL MATTERS

32. Billing, Collection and Disbursement :

Billing in respect of the charges payable under these regulations shall be made as per the following procedure:

(1) Inter-State transactions:

(a) Short-term Open Access

- (i) Collection and disbursement of transmission charges for use of CTU and STU systems and operating charges payable to RLDCs and SLDCs towards short-term open access shall be made by the nodal RLDC in accordance with the procedure specified by the Central Commission.
- (ii) The short-term open access customer connected to distribution system of a distribution licensee shall pay to such distribution licensee, the wheeling charges payable to the distribution licensee within 3 days from the grant of the short-term open access by the nodal agency.

(b) Long-term access and medium- term open access

- (i) Billing, collection and disbursement of charges payable to RLDC including Unified Load Despatch and Communication Scheme shall be in accordance with the procedure specified by the Central Commission.
- (ii) Bills towards the charges payable to SLDC shall be raised by the STU/ SLDC directly to the open access customer connected to STU and to the distribution licensee in respect of the customers connected to the distribution system, before the 3rd working day of the succeeding calendar month.
- (iii) Distribution licensee shall raise the bill with the open access customer connected to it within 3 days of receipt of bill from SLDC.
- (iv) Open access customer connected to the distribution licensee shall pay, the charges within five days of receipt of bill from distribution licensee. The distribution licensee shall disburse the amount payable to STU/ SLDC on a monthly basis.
- (v) Open access customer connected to the STU shall pay the bills within five working days of receipt of the bill.

(2) Intra-State transactions:

(a) Short-term Open Access

- (i) The short-term open access customer shall deposit with SLDC the transmission charges and operating charges within 3 working days of grant of the short- term open access by SLDC.
- (ii) In addition to the above, the short-term open access customer connected to distribution system of a distribution licensee shall also pay to SLDC, the wheeling charges payable to the distribution licensee within 3 days from the grant of the short-term open access by the nodal agency. Such charges would be disbursed to the distribution licensee on a weekly basis.

(b) Long-term and Medium-Term open access

SLDC, transmission licensees and distribution licensee, where applicable, shall communicate to STU the details of the bills due to them by the 3rd day of the succeeding calendar month. STU shall separately indicate the above charges and raise the bill with the open access customer, together with the charges receivable by it, if any, before the 5th day of the above month. The open access customer shall pay the charges within 7 days from the date of receipt of the bill. STU shall disburse the charges payable to SLDC, transmission licensee and distribution licensee on a monthly basis.

33. **Late payment surcharge :**

In case the payment of any bill for charges payable under these regulations is delayed by a open access customer beyond the due date, without prejudice to any action under the Act or any other regulation thereunder, a late payment surcharge at the rate of 1.25% per month shall be levied.

34. **Default in payment :**

Non-payment of any charge or sum of money payable by the open access customer under these regulations shall be considered non-compliance of these regulations. The STU or any other transmission licensee or a distribution licensee may discontinue open access after giving customer an advance notice of fifteen days without prejudice to its right to recover such charges by suit.

In case of default in payment of charges due to the Load Despatch Centre, the Load Despatch Centre concerned may refuse to schedule power to the defaulting open access customer and direct the licensee concerned to disconnect such customer from the grid.

35. **Payment Security Mechanism :**

In case of long-term access and medium-term open access, the applicant for open access will open an irrevocable Letter of Credit in favour of the agency responsible for collection of various charges for the estimated amount of various charges for a period of two months.

CHAPTER 9

LIMITED SHORT-TERM OPEN ACCESS

- 36. Eligibility for Limited short-term open access consumer and conditions to be satisfied :**
- (1) Subject to the provisions of these regulations, any consumer of the distribution licensee having contracted load of 100 kVA or above and connected to the distribution system of licensee at 11 kV or above, seeking open access and are connected through an independent feeder emanating from a grid sub-station of licensee or industrial feeder provided that all the consumers on such industrial feeder, may apply for Limited short-term open access and having simultaneous schedule of drawal under such open access.
 - (2) Subject to the provisions of these regulations, in case of any Limited short-term open access consumer, the minimum schedule for drawl of power through open access in each time slot during the day shall not be less than maximum demand recorded during previous month or 80% of its contracted load whichever is higher. Explanation: For the purpose of this clause, "time slot" means each 30 minutes time block which is the minimum period for which the Time-of-day meter is capable of integrating the maximum demand.

- 37. Settlement of Energy at drawal point in respect of Limited short-term open access consumer :**

- (1) The monthly energy drawal (in kVAh) during the open access period by such consumer shall be calculated from his scheduled drawal and by multiplying it with number of hours of open access availed during the month, as provided in the open access schedule of the consumer:
Provided that such energy drawal shall be at unity power factor.
- (2) Such energy drawal through open access shall be deducted from the monthly consumption of energy recorded in his existing meter installed by the distribution licensee for billing purposes.

Example:

- (a) Contracted load of the such consumer = 10,000 kVA
- (b) Scheduled drawal = 8000 kW
- (c) No. of hours during "Normal Hours i.e. C1 period" during which open access was availed by the consumer during the month=120 hours
- (d) No. of hours during "Peak Hours i.e. C2 period" during which open access was availed by the consumer during the month=180 hours
- (e) No. of hours during "Off Peak Hours i.e. C3 period" during which open access was availed by the consumer during the month=60 hours
- (f) Assessed consumption during "C1 period" for the month during open access period

$$= 8000 \times 120 = 960000 \text{ kVAh} = 960000 \text{ kWh (at unity pf)}$$
- (g) Assessed consumption during "C2 period" for the month during open access period

$$= 8000 \times 180 = 1440000 \text{ kVAh} = 1440000 \text{ kWh (at unity pf)}$$
- (h) Assessed consumption during "C3 period" for the month during open access period

$$= 8000 \times 60 = 480000 \text{ kVAh} = 480000 \text{ kWh (at unity pf)}$$

- (i) Consumption recorded in consumer's meter during "C1 period" for the month, say 1200000 kVAh
- (j) Consumption recorded in consumer's meter during "C2 period" for the month, say 2000000 kVAh
- (k) Consumption recorded in consumer's meter during "C3 period" for the month, say 800000 kVAh
- (l) Net consumption during "C1 period" for the month to be accounted by distribution licensee for billing purpose = 1200000-960000= 240000 kVAh
- (m) Net consumption during "C2 period" for the month to be accounted by distribution licensee for billing purpose = 2000000-1440000= 560000 kVAh
- (n) Net consumption during "C3 period" for the month to be accounted by distribution licensee for billing purpose = 800000-480000= 320000 kVAh
- (3) Scheduling shall be done in accordance with relevant provisions of IEGC for inter-State transactions and in accordance with relevant provisions of State Grid Code for intra-State transactions.

38. Over-drawal / Under-drawal at drawal point by respect of Limited short-term open access consumer :

Imbalance charges as per Chapter 7 of these regulations and Unscheduled Interchange (UI) charges as specified by the Central Commission shall not be applicable for Limited short-term open access consumer. However, Limited short-term open access consumer shall be liable to pay penalty for drawing excess demand in the manner provided below:

(1) Over-drawal

In case such open access consumer draws power more than 100% of its contracted load or scheduled power, whichever is more for any time slot during the open access period in a day, it shall be liable for payment of penalty. Rate of penalty for each time slot (Rs./kVA of contracted load) shall proportionate to the percentage of excess drawal as above and shall be equal to Rs. 0.10 for each percent.

Example:

Calculation of penalty for one day

Contracted load (CD in kVA)	Excess drawal (%)	Rate of penalty (Rs./kVA/time slot)	No. of time slot where power drawn is more than 100% of the CD (TS)	Penalty for each time slot (Rs.)	Total Penalty payable by consumer (Rs.)
		(0.10 X % excess drawal)		(TS X Rate X CD)	
10000	11	1.1	1	11100	
	15	1.5	3	45000	156000
	20	2.0	5	100000	

(2) Underdrawal

In case where Limited short-term open access consumer under-draws from the grid, he shall be compensated at average rate for power purchase cost by distribution licensee as per applicable tariff order for relevant year and as described below:

Average rate of power purchase cost = [Total power purchase cost / Total units purchased].

39. Charges applicable to Limited Short-term open access consumers :

- (1) Limited short-term open access consumers shall be exempted from payment of transmission charges, wheeling charges, cross subsidy surcharge and additional surcharge. However, they shall continue to pay other charges namely energy charge, demand/fixed charge, minimum consumption guarantee etc., applicable to them as per the rate schedule in the tariff order:
Provided that energy charges shall be payable at balance energy/consumption calculated as per energy settlement mechanism provided in Regulations 37 and 38 above.
- (2) Limited short-term open access consumers shall also be liable to pay composite operating charges @ Rs.2,000/- per day or part of the day for each transaction to the SLDC or as determined by the Commission from time to time.
- (3) In case inter-State transmission system is used by such consumer in addition intra-State transmission system or distribution system, transmission charges, RLDC charges etc., as fixed and approved by the Central Commission shall be payable for use of inter-State transmission system in addition to payment of charges as per sub-regulation (1) and (2) above.

40. Drawal of power by Limited short-term access consumer from distribution licensee :

In cases where supplier fails to supply power, in any time slot, to Limited short-term open access consumer due to any reason, said supplier shall revise his schedule as per provisions of State Grid Code and the same shall be communicated to SLDC and concerned open access customer. The SLDC shall revise the schedule which shall become effective from 2nd time slot (counting the time slot in which such eventuality has taken place to be the first one) and the revised schedule shall be provided to distribution licensee. It shall be duty of such open access consumers to draw power as per revised schedule. Drawal of power in excess of the revised schedule by limited short-term open access consumers shall be treated as over-drawal of power by such consumer and shall be liable to pay penalty as per sub-regulation (1) of Regulation 38 of these regulations.

41. Nodal Agency for Limited short-term open access customer :

The Nodal Agency for Limited short-term open access consumer shall be the State Load Despatch Center and in such case, the State Transmission Utility and/or a transmission licensee and/or a distribution licensee concerned, as the case may be, shall be responsible for co-ordination with the State Load Despatch Center and provide all relevant information required to take decision for providing open access.

42. Procedure for Grant of Limited Short-term open access customer :

The procedure for grant of short-term open access specified in Regulation 16 contained in Chapter 4 shall be applicable for grant of Limited short- term open access also.

43. Metering for Limited short-term open access customer :

In case of Limited short-term open access consumers, the existing ToD meter installed at their premises shall serve the purpose for energy accounting and billing.

44. Billing and Payment for Limited short-term open access consumers :

(1) Limited short-term open access consumers, being a consumer of distribution licensee, shall continue to pay electricity charges billed to him on monthly basis by the distribution licensee subject to adjustments of quantum of energy and other charges for drawal of power during the period of open access provided in Regulation 39 above.

(2) Distribution licensee shall show these adjustments of quantum of energy and other charges, applicable to such consumer, separately in his electricity bill.

CHAPTER 10

EMBEDDED OPEN ACCESS CONSUMERS

45. Eligibility for open access to embedded consumers and conditions to be satisfied :

Subject to the provisions of these regulations, any consumer of the distribution licensee having contracted load of 100 kVA or above and connected to the distribution system of the licensee at 11 kV or above, seeking open access and are connected through an independent feeder emanating from a grid sub-station of licensee or industrial feeder provided that all the consumers on such industrial feeder, may apply for open access and having simultaneous schedule of drawal under such open access:

Provided that the consumers who are not on independent feeders, shall be allowed open access subject to the condition that they agree to rostering restrictions imposed by utility on the feeders serving them:

Provided further that duties of distribution licensee, with respect to such open access consumers, shall be of a common carrier providing non-discriminatory open access as per Section 42(3) of the Act.

46. Settlement of Energy at drawal point in respect of Embedded consumers :

The mechanism for settlement of energy at drawal point in respect of embedded customers shall be same as that provided for limited short term open access customers in Regulation 37 contained in Chapter 9 of these regulations.

47. Charges applicable to Embedded consumers :

- (1) Embedded open access consumers shall pay transmission charges as determined by the Commission in accordance with the methodology specified in sub-regulation (1) of Regulation 21 contained in Chapter 5 of these regulations.
- (2) Embedded open access consumers shall pay wheeling charges as determined by the Commission in the following manner:

$$WC_{\text{Embedded consumer}} = WC - [FC * 12 * 1000 / 365] \text{ (in Rs./MW-day)}$$

Where,

$WC_{\text{Embedded consumer}}$ = Net wheeling charges for embedded consumers

WC = Wheeling charges as determined by the Commission in accordance with the methodology specified in Regulation 21(2) contained in Chapter 5 of these regulations.

FC = Fixed/demand charges in Rs/kVA/month or Rs/kW/month as per applicable rate schedule of the prevailing Tariff Order.

Note: In case Wheeling Charges for embedded consumer worked out as above becomes negative, such charge shall be zero.

- (3) Embedded open access consumers shall pay Cross subsidy surcharge and Additional surcharge as determined by the Commission in accordance with the methodology specified in Regulation 23 & 24 contained in Chapter 5 respectively.
- (4) Embedded open access consumers shall also be liable to pay composite operating charges @ Rs.2,000/- per day or part of the day for each transaction to the SLDC or as determined by the Commission from time to time.
- (5) Besides the above charges in respect of open access, the embedded consumers shall continue to pay other charges namely energy charge, demand/fixed charge, minimum consumption guarantee etc., applicable to them as per the rate schedule in the tariff order:
Provided that energy charges shall be payable at balance energy/consumption calculated as per energy settlement mechanism provided in Regulations 46 above.
- (6) In case inter-State transmission system is used by such customer in addition intra-State transmission system or distribution system, transmission charges, RLDC charges etc., as fixed and approved by the Central Commission shall be payable for use of inter-State transmission system in addition to payment of charges as per clauses (1) to (5) above.

48. Scheduling for Embedded open access consumers :

- (1) Scheduling shall be done in accordance with relevant provisions of IEGC for inter-State transactions and in accordance with relevant provisions of State Grid Code for intra-State transactions.
- (2) By 10:00 AM every day, these embedded consumers shall prepare and submit daily schedule of power, in MW, separately showing schedule of power from licensee and that from another supplier through open access for the next day, i.e. from 0000 hrs to 2400 hrs of the following to SLDC along with copy to distribution licensee/UPCL.
- (3) Imbalance energy and Reactive energy charges as per Chapter 7 of these regulations shall not be applicable for Embedded open access consumers. However, Embedded open access consumers shall be liable to pay excess demand charges applicable to them as per the Rate schedule in the Tariff Order.

Example:

Applicable excess demand charges, applicable to category of consumer, shall be payable if the maximum demand recorded in any month exceeds the contracted load/demand. Such excess load/demand over and above the contracted load/demand shall be levied for excess load/demand penalty.

- a) Contracted load/demand of the consumer seeking open access under embedded open access mechanism = 10MW
- b) Scheduled drawal from distribution licensee/UPCL = 7MW
- c) Scheduled drawal through open access = 3MW
- d) Maximum demand recorded in any month = 12 MW
- e) Excess load/demand liable for excess load/demand penalty for the month = 2MW

49. Procedure for grant of short term open access to Embedded consumers :

Application and procedure for grant of open access to embedded consumers shall be as same as applicable to short term open access customers specified in Regulation 16 contained in Chapter 4 of these regulations. Nodal agency for these consumers shall be SLDC.

50. Metering for Embedded open access consumer :

In case of Embedded open access consumers, the existing ToD meter installed at their premises shall serve the purpose for energy accounting and billing.

51. Billing and Payment for Embedded open access consumer :

- (1) Billing, collection, disbursement and other commercial matters shall be same as applicable to short term open access customers specified in Chapter 8 of these Regulations.
- (2) Embedded open access consumers, being a consumer of distribution licensee, shall continue to pay electricity charges billed to him on monthly basis by the distribution licensee subject to adjustments of quantum of energy and other charges for drawal of power during the period of open access provided in Regulation 46 above.
- (3) Distribution licensee shall show these adjustments of quantum of energy and other charges, applicable to such consumer, separately in his electricity bill.

CHAPTER 11

OPEN ACCESS TO GENERATING STATION CONNECTED TO DISTRIBUTION SYSTEM

52. Application Procedure for Generating Stations connected to distribution system seeking Open Access :

A generating station connected to a distribution system seeking open access shall have to follow, except in respect of the case covered under Regulation 53 herein below, the same procedure as applicable for a consumer seeking open access under different scenarios, namely long-term access, medium-term open access and short-term open access. Such generating station shall also be liable to pay the same application fee, and other open access charges except the cross subsidy surcharge and additional surcharge as are applicable to a consumer seeking open access.

53. Application Procedure for Generating station seeking Open Access within the area of the same distribution licensee :

- (1) A generating station seeking open access, only within the area of the same distribution licensee, shall make an application in the prescribed format to the distribution licensee.
- (2) The distribution licensee, while processing the application of such a generating station, shall follow the following procedure:
 - (a) While processing the application from a generating station seeking open access, within the area of the same distribution licensee, the distribution licensee shall verify the following, namely:-
 - (i) Existence of infrastructure necessary for time-block-wise energy metering and accounting in accordance with the provisions of the State Grid Code in force, and
 - (ii) Availability of surplus capacity in the distribution network.
 - (b) Where existence of necessary infrastructure and availability of surplus capacity in the distribution network has been established, the distribution licensee shall convey its approval within the timelines indicated in sub-regulation (2) of Regulation 13 of these regulations as applicable to open access consumer.
 - (c) In case the distribution licensee finds that the application is incomplete or defective in any respect, it shall communicate the deficiency or defect to the applicant by e-mail or fax or by any other usually recognised mode of communication, within two (2) working days of receipt of the application:
 - (d) In case the application has been found to be in order but the distribution licensee refuses to give approval for open access on the grounds of non-existence of necessary infrastructure or unavailability of surplus capacity in the distribution network, such refusal shall be communicated to the applicant by e-mail or fax or by any other usually recognized mode of communication, within the period of three (3) working days from the date of receipt of the application, along with reasons for such refusal.

- (e) The Generating station shall pay the wheeling charge to the distribution licensee in accordance with sub-regulation (2) of Regulation 21 contained in Chapter 5 of these regulations. The treatment of deemed generation in case of non availability of distribution system shall be settled mutually between the generating station and the distribution licensee.

CHAPTER 12

INFORMATION SYSTEM

54. Information system :

The State Load Dispatch Centre shall post following information on its website in a separate web page titled "Open access information" and also issue a monthly and annual report containing such information.

- (1) A status report on long-term/ medium term/ short term open access by consumers and generating stations including limited short open access and open access by embedded consumers indicating:
 - (a) Name of open access consumer/generating station;
 - (b) Period of open access granted (date of commencement and date of termination);
 - (c) Schedule of power from distribution licensee/ UPCL for each day. (*applicable to embedded open access consumers*)
 - (d) Schedule of power through open access period for each day. (*applicable to embedded open access consumers*)
 - (e) Schedule of open access period for each day (*applicable to limited open access consumers*).
 - (f) Point of injection;
 - (g) Point of drawal;
 - (h) Transmission system / distribution system used, and
 - (i) Open access capacity used.
- (2) Peak load flows and capacity available including the reserve capacity on all EHV lines and HV lines emanating from EHV sub-stations.
- (3) The information regarding average loss in transmission and distribution system as determined by respective licensees.

CHAPTER 13

MISCELLANEOUS

55. **Under-Utilisation or Non-Utilisation of open access capacity in intra-State transmission and distribution system :**

(1) **Long-term Access :** A long-term customer may relinquish the long-term access rights fully or partly before the expiry of the full term of long-term access, by making payment of compensation for stranded capacity as follows:-

- (a) Long-term customer who has availed access rights for at least 12 years
 - (i) Notice of one (1) year - If such a customer submits an application to the Nodal agency at least 1 (one) year prior to the date from which such customer desires to relinquish the access rights, there shall be no charges.
 - (ii) Notice of less than one (1) year - If such a customer submits an application to the Nodal agency at any time lesser than a period of 1 (one) year prior to the date from which such customer desires to relinquish the access rights, such customer shall pay an amount equal to 66% of the estimated open access charges (net present value) for the stranded transmission and/or distribution capacity for the period falling short of a notice period of one (1) year.

- (b) Long-term customer who has not availed access rights for at least 12 (twelve) years

Such customer shall pay an amount equal to 66% of the estimated open access charges (net present value) for the stranded transmission and/or distribution capacity for the period falling short of 12 (twelve) years of access rights:

Provided that such a customer shall submit an application to the Nodal agency at least 1 (one) year prior to the date from which such customer desires to relinquish the access rights:

Provided further that in case a customer submits an application for relinquishment of long-term access rights at any time at a notice period of less than one year, then such customer shall pay an amount equal to 66% of the estimated open access charges (net present value) for the period falling short of a notice period of one (1) year, in addition to 66% of the estimated open access charges (net present value) for the stranded transmission and/or distribution capacity for the period falling short of 12 (twelve) years of access rights.

- (c) The discount rate that shall be applicable for computing the net present value as referred to in clause (a) & (b) of sub-regulation (1) above shall be the discount rate to be used for bid evaluation in the Central Commission's Notification issued from time to time in accordance with the Guidelines for Determination of Tariff by Bidding Process for Procurement of Power by distribution Licensees issued by the Ministry of Power.

(d) The compensation paid by the long-term customer for the stranded transmission and/or distribution capacity shall be used for reducing transmission and/or wheeling charges payable by other long-term customers and medium-term customers in the year in which such compensation payment is due in the ratio of open access charges payable for that year by such long-term customers and medium-term customers.

(2) Medium-term Open Access customers :

A medium-term open access customer may relinquish rights, fully or partly, by giving at least 30 days prior notice to the Nodal agency:

Provided that the medium-term open access customer relinquishing its rights shall pay applicable open access charges for the period of relinquishment or 30 days whichever is lesser.

(3) Short-term open access customer :

(a) The short-term open access schedules accepted by the Nodal agency in advance or day-ahead basis may be cancelled or revised downwards on an application to that effect made to the nodal agency by the short-term open access customer:

Provided that such cancellation or downward revision of the short-term open access schedules shall not be effective before expiry of a minimum period of two (2) days:

Provided further that the day on which notice for cancellation or downward revision of schedule is served on the Nodal agency and the day from which such cancellation or downward revision is to be implemented, shall be excluded for computing the period of two (2) days.

(b) The person seeking cancellation or downward revision of short-term open access schedule shall pay the open access charges for the first two (2) days of the period for which the cancellation or downward revision of schedule, as the case may be, has been sought, in accordance with the schedule originally approved by the nodal agency, and thereafter in accordance with the revised schedule prepared by the Nodal agency during the period of such cancellation or downward revision.

(c) In case of cancellation, Scheduling and system operation charges specified in Regulations 22 contained in Chapter 5 shall be payable for two (2) days or the period of cancellation in days, whichever is less.

56. Computation of capacity availability for open access :

(1) The capacity available for the open access shall be computed for each transmission segment and for every sub-station by the STU following the methodology given below:

(a) Available open access capacity of a transmission system segment: = (DC-SD-AC)+NC where, DC=Designed capacity of the transmission segment in MW, SD = Sustained demand in MW recorded in the segment, AC = Already allotted capacity, but not availed in MW and NC = New capacity in MW expected to be added.

- (b) Available open access capacity of a sub-station: = $(TC-SP-AC)+NC$ where, TC= Transformer capacity of the sub-station in MVA, SP= Sub-station peak in MVA, AC= Already allotted capacity but not availed in MVA and New transformer capacity in MVA expected to be added.
- (c) The STU shall update these values on monthly basis on the first calendar day of the month and publish it in their website.
- (2) The appropriate distribution licensee shall determine the available capacity for allotment for the portion of the distribution system over which open access has been requested for.

57. Curtailment Priority :

When, because of constraints or otherwise, it becomes necessary to curtail the open access service of the customers, subject to the requirements of State Grid Code, the open access to a distribution licensee shall be the last to be curtailed. Among others, short-term open access customers shall be curtailed first, followed by the medium-term open access customers followed by long-term open access customers. SLDC shall frame guidelines for curtailment of open access customers.

58. Powers to Remove Difficulties :

If any difficulty arises in giving effect to any of the provisions of these regulations, the Commission may by general or special order, direct the State Transmission Utility, State Load Dispatch Centre, intra-State licensees and the open access customer, to take such action, as may appear to the Commission to be necessary or expedient for the purpose of removing difficulties.

59. Repeal and Savings :

- (1) Save as otherwise provided in these regulations, the UERC (Terms and Conditions for Open Access in Distribution) Regulations, 2004, shall stand repealed from the date of commencement of these regulations.
- (2) Notwithstanding such repeal, anything done or purported to have been done under the repealed regulations shall be deemed to have been done or purported to have been done under these regulations.
- (3) Open access customers to the intra-State transmission system and the distribution system in the State on the date of coming into force of these regulations under an existing agreement / contract shall be entitled to continue to avail such access to the transmission and distribution system on the same terms and conditions, as stipulated under such existing agreement/contract. Such persons are eligible to avail long-term access or medium-term open access under these regulations on expiry of such existing agreement/contract. Such of those persons, shall have to apply to come under the long-term access or medium-term open access category at least thirty days prior to the expiry of such existing agreement/contract.

FORMATS for Short-TermFORMAT- ST1

APPLICATION FOR GRANT OF SHORT-TERM OPEN ACCESS
(to be submitted by the customer to SLDC)

To: Dy. General Manager (SLDC),

1 Customer Application No.		Date
2 Period of Transaction		
3 Nature of Customer*	< seller/buyer/captive user/trader(on behalf of seller/buyer/captive user) >	

<* In terms of power transfer>

4 Customer Name	
5 Registration Code	Valid up to

< Registration code shall be as provided by SLDC >

6 Details of Transaction Party's to Grid

	Injecting Entity	Drawee Entity
Name of Entity		
Status of Entity*		
Utility in which it is Embedded		

< * In terms of ownership- State Utility/CPP/IPP/ISGS/Discom/Consumer/specify, if any other >

7 Details of Injecting/Drawee Connectivity with intra-State System

		Injecting Entity	Drawee Entity
Name of Sub-station	Transmission		
	Distribution		
Voltage Level	Transmission		
	Distribution		
Name of Licensee (Owner of S/S)			
Intervening intra-State Licensee			
Intervening inter-State Licensee			

8 Open Access Sought for (Period from date _____ to date _____)

Date		Hours		Capacity
From	To	From	To	MW

9 Details of PPA/PSA/MoU

Name & Address of Parties		Date of PPA/PSA/MoU	Validity Period		Capacity
Seller	Buyer		Commencement	Expiry	

10 Details of Non-Refundable Application Fee Made

Bank Details	Instrument Details			Amount(Rs.)
	Type(Draft/Cash)	Instrument No.	Date	

11	I hereby authorize SLDC to process said application, in case open access capacity allotted, for day-ahead scheduling in accordance with the provisions of intra-State ABT.
12	<p><u>Declaration</u></p> <p>All Entities/ Utilities to transaction shall abide by provisions of the Electricity Act, 2003(the Act), UERC (Terms and Conditions for Intra State Open Access) Regulations,2010 and any other relevant regulation/order/ code as amended from time to time.</p>

Place
Date

Signature (with stamp)
Name & Designation

Enclosures

- (1) Non-refundable application fee by Demand draft or cash receipt (if payment by cash).
- (2) Self-certified copy of PPA/PSA/MoU entered between the parties (buyer and seller) of transaction stating contracted power, period of transaction, drawal pattern, point(s) of injection and drawal etc.
- (3) Self-certified copies of concurrence of STU and/or transmission licensee and/or distribution licensee.
- (4) If any other

Copy to along with relevant enclosures [except (1) & (2) above]:

- (1) Managing Director of transmission licensee involved in transaction.
- (2) Managing Director of distribution licensee involved in transaction.
- (3) Officer in charge of transmission substation involved in transaction.
- (4) Officer in charge of distribution substation involved in transaction.
- (5) Any other concerned.

For use of SLDC (with Reference to Enrolment of Application)

SLDC Reference ID No.	
Nodal SLDC Approval No.	< if approved >
Or Reason of Refusal* (If Refused)	

< * SLDC may also enclose supporting documents for the reasons of refusal duly signed on each page >

ACKNOWLEDGEMENT
(for office use only)

APPLICATION FOR GRANT OF SHORT-TERM OPEN ACCESS

(A) < to be filled by the customer >

1	Customer Application No.	Date
2	Period of Transaction	
3	Nature of Customer*	< seller/buyer/captive user/trader(on behalf of seller/buyer/captive user) >
<* In terms of power transfer>		
4	Customer Name	
5	Registration Code	Valid up to

< Registration code shall be as provided by SLDC >

(B) < to be filled by SLDC >

Date and Time of Receipt of Application	
--------------------------------------------	--

Place
Date

Signature (with stamp)
Name & Designation

FORMAT-ST1: APPLICATION FOR GRANT OF SHORT-TERM OPEN ACCESS (Page -3 of 3)

..... 9

ACKNOWLEDGEMENT

(to be issued by SLDC to the customer immediately on receipt of application duly filled in)

APPLICATION FOR GRANT OF SHORT-TERM OPEN ACCESS

(A) < to be filled by the customer >

1	Customer Application No.	Date
2	Period of Transaction	
3	Nature of Customer*	< seller/buyer/captive user/trader(on behalf of seller/buyer/captive user) >

<* In terms of power transfer>

4	Customer Name	
5	Registration Code	Valid up to

< Registration code shall be as provided by SLDC >

(B) < to be filled by SLDC >

Date and Time of Receipt of Application	
-----------------------------------------	--

Place
Date

Signature (with stamp)
Name & Designation

N.B.: This counterfoil may be scored out and issued to the customer.

FORMATS for Short-Term

APPROVAL FOR SHORT-TERM OPEN ACCESS
(to be issued by SLDC)

(to be issued by SLDC)		Date
Nodal SLDC Approval No.		
1	Customer Application No.	<as provided on FORMAT-ST1>
2	Period of Transaction	
3	Nature of Customer*	< seller/buyer/captive user/trader(on behalf of seller/buyer/captive user) >
<* In terms of power transfer>		
4	Customer Name	
5	Registration Code	Valid up to

6	Details of Transaction Party's to Grid		
		Injecting Entity	Drawee Entity
	Name of Entity		
	Status of Entity*		
	Utility in which it is embedded		

< * In terms of ownership- State Utility/ CPP/ IPP/ ISGS/ Discom/ Consumer/specify, if any other >

7 Details of Injecting/Drawee Connectivity with intra-State System			
		Injecting Entity	Drawee Entity
Name of Sub-station	Transmission		
	Distribution		
Voltage level	Transmission		
	Distribution		
Name of Licensee (Owner of S/S)			
Intervening intra-State Licensee			
Intervening inter-State Licensee			

9	Details of Bidding < only in case of Bidding >					
	Details of Intra-State System	Date		Hours		Applicable Rate (Rs./kWh)
		From	To	From	To	
	Transmission System					
	Distribution System					

FORMATS for Short-Term

12. The approval is subject to provisions of UERC (Terms and Conditions for Intra State Open Access) Regulations, 2010 and any other relevant regulation/order/code as amended and applicable from time to time. < only in case of approval >

13. No approval is being granted on account of <only in case of rejection>

< SLDC shall convey specific reasons if open access is denied and may also enclose supporting documents to support the same duly signed on each page >

Place
Date

Signature (with stamp)
Name & Designation

Enclosures

- (1) Schedule of payments < only in case of approval >
(2) If any other

Copy to along with enclosures

- (1) Customer
(2) Managing Director of transmission licensee involved in transaction.
(3) Managing Director of distribution licensee involved in transaction.
(4) Officer in charge of transmission substation involved in transaction.
(5) Officer in charge of distribution substation involved in transaction.
(6) Any other concerned.

FORMATS for Short-Term
ENCLOSURE to FORMAT- ST2

SCHEDULE OF PAYMENTS
(to be enclosed for each month by SLDC along with FORMAT-ST2)

Nodal SLDC Approval No.		Date	
1	Customer Application No.	<as provided on FORMAT-ST1>	Date
2	Period of Transaction		
3	Nature of Customer*	< seller/buyer/captive user/trader(on behalf of seller/buyer/captive user) >	
<* In terms of power transfer>			
4	Customer Name		
5	Registration Code	Valid up to	
6	Tentative* Monthly Payment Schedule for Short-Term Open Access Charges (Period: date ____ to date ____)		
Payment Chargeable for		Rate (Rs./ kWh)	Month
(1) Intra-State Network			
(a) Transmission Charges			
concerned Transmission Licensee			
Intervening intra-State Licensee(if any)			
(b) Wheeling Charges			
concerned Distribution Licensee			
Intervening intra-State Licensee(if any)			
(c) Surcharge			
concerned Distribution Licensee			
(d) Additional Surcharge			
concerned Distribution Licensee			
(e) SLDC Charges			
SLDC			
(2) Inter-State Network			
Transmission Charges			
Intervening inter-State Licensee(if any)			
Total Monthly Payment Amount (Rs.)			

Place
Date

Signature (with stamp)
Name & Designation

* Tentative on the basis of MWh mentioned in application which may vary on actual operation.

FORMATS for Short-Term
FORMAT- ST3

CONGESTION INFORMATION AND INVITATION OF BIDDING
(to be invited by SLDC)

SLDC Bidding Invitation No. _____

Date _____

1	Customer Application No.	<as on FORMAT-ST1>	Date
2	Period of Transaction		
3	Nature of Customer*	< seller/buyer/captive user/trader(on behalf of seller/buyer/captive user) >	
<i><* In terms of power transfer></i>			
4	Customer Name		
5	Registration Code	Valid up to	

6. The anticipated congestion (transformer and electric line/link) is as follow:

Network Corridor		Congestion Period				Margin/Capacity Available	Total Capacity Applied by all the Customers
Sub-station with Transformation Capacity	Electric Line/Link with Capacity	Date		Hours			
		From	To	From	To	MW	MW
Intra-State Transmission System							
Intra-State Distribution System							
Inter-State Transmission System							

7. In view of above please submit bid on format [FORMAT-ST4]. The details for bidding are hereunder:

(a) Bid Invitation Date		Time	
(b) Bid Submission Date		Time	
(c) Bid Opening Date		Time	
(d) Bids Invited for			

Intra-State Network Corridor		Congestion Period				Margin/Capacity Available for Bidding	Floor Price
Sub-station	Electric Line/Link	Date		Hours			
		From	To	From	To	MW	Rs./kWh
Name of Transmission System							
Name of Distribution System							

8. In case of non submission of bid, application shall be deemed to have been withdrawn and shall not be processed.

Place
DateSignature (with stamp)
Name & Designation

To: Customers with their reference's < as provided by customers at sl.no. 1 on FORMAT-ST1 >

BID PROPOSAL

(to be submitted by the customer to SLDC)

Ref: SLDC Bidding Invitation No. _____

Date _____

To: Dy. General Manager (SLDC),

1 Customer Application No.	<as provided on FORMAT-ST1>	Date
2 Period of Transaction		
3 Nature of Customer* < seller/buyer/captive user/trader(on behalf of seller/buyer/captive user) >		
<* In terms of power transfer>		
4 Customer Name		
5 Registration Code	Valid up to	

6. In reference to above bidding invitation, I hereby submit my bid as follows:

Bidding Details as provided by SLDC							Bid Price to be Quoted by Bidder	
Name of Network Corridor		Congestion Period		Margin/Capacity Available for Bidding	Floor Price			
Sub-station	Electric Line/Link	Date	Hours					
From	To	From	To	MW	Paise/kWh	Paise/kWh*		
Name of Transmission System								
Name of Distribution System								

< * Bidder shall quote price (rounded-off to whole number) in denotation of floor price >

7. I do hereby agree that determined bid price(s) shall be transmission and/or wheeling charges.

Place
DateSignature (with stamp)
Name & Designation

By Order of the Commission,

PANKAJ PRAKASH,
Secretary, Uttarakhand Electricity Regulatory Commission.